

Docket No. DELME-P2739

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dan W.C. Delmer

Serial No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

For: PIPE COUPLING

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF DAN W.C. DELMER

Sir:

After being advised (1) that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and (2) that such willful false statements may jeopardize the validity of the above application (or document) or any resulting registration, the undersigned hereby states the following:

1. My name is Dan W.C. Delmer. I am the sole inventor of the above-identified patent application, filed under U.S. App. No. 09/904,975.
2. As further described herein, I am engaged in a fight against colorectal cancer, and recently I received word that the cancer was recurring.
3. My current state of health may prevent me from being able to assist in prosecution of my patent application, and I respectfully request that this application be advanced for examination under the provisions of 37 C.F.R. §1.102 (c).

4. Below is an overview of my relevant medical history, including diagnoses and treatments, since my first diagnosis of cancer in August 2007.

a. In August 2007, I was diagnosed with colorectal cancer, and had tumor resection surgery for same. I began adjuvant chemotherapy in November 2007.

b. In February 2008, a recurrent rectal tumor was discovered, and the chemotherapy treatment was discontinued. Surgery was performed to resect the tumor, however total resection of the tumor was abandoned due to the extent of the tumor, and a colostomy was performed.

c. In March 2008, I began chemotherapy and radiation therapy.

d. In April 2008, I was hospitalized for sequela of radiation and infection. The chemotherapy and radiation therapy were subsequently stopped and resumed later that month.

e. In June 2008, I had surgery wherein tumor resection, colostomy takedown and ileostomy were performed.

f. From August 2008 to January 2009, I received adjuvant chemotherapy.

g. In February 2009, I was hospitalized for pancreatitis and a bladder infection.

h. In March 2009, I received surgical reconstruction and ileostomy takedown. I was later hospitalized for ileus (small intestines constricted closed) infection.

i. Recently, on June 2, 2009, I received PET and CT scans which showed metastasis in the common iliac chain lymph node. Although initially I was told that there may not be any way to treat this particular recurrence (due both to its location and to the extent of my previous treatments), I was subsequently advised that I could receive further treatment. Therefore, I resumed chemotherapy and radiation therapy on June 12, 2009 to treat this recurrent cancer.

j. The foregoing cancer and treatment already has limited my ability to participate in prosecution of the above patent application. Among other things, I had to schedule my review of documents and discussions around the foregoing treatments, and to ensure that I had sufficiently recovered from the various chemotherapy and radiation treatments to have the energy and focus necessary to be of some assistance. Based on my medical history and my experiences in my fight against this cancer, and in view of the recent diagnosis of yet another recurrence of the cancer, I am concerned that I may not be able to continue even that limited assistance for much longer.

5. Attached hereto are true and correct copies of certain of my medical records (from my most recent PET and CT scans on June 2, 2009), showing the findings of a hypermetabolic mass in the left common iliac chain lymph node.

6. Also attached hereto is a true and correct copy of a doctor's certificate from my physician, David Burtzo, M.D. attesting to the fact that the current state of my health is such that I might not be available to assist in the prosecution of my application if it were to run its normal course.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 9/28/09

By: 
Dan W.C. Delmer

JMH:alv

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